

# County Counsel

Anthony J. La Bouff, County Counsel

## **MISSION STATEMENT**

To provide high-quality legal advice, representation and counsel to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts in order to assist those making decisions for the public good and to vigorously represent the County in litigation.

## COUNTY COUNSEL FUND 100 / APPROPRIATION 10450

	Actual 2004-05	Actual 2005-06	Requested 2006-07	Recommended 2006-07	Change %	Adopted 2006-07
<b>Expenditures</b>						
Salaries and Employee Benefits	\$ 2,644,128	\$ 2,995,005	\$ 3,440,557	\$ 3,414,170	14%	\$ 3,414,170
Services and Supplies	378,212	357,696	761,354	701,090	96%	701,090
Intra Fund Charges	953	441	6,000	6,000	1261%	6,000
<b>Gross Budget:</b>	<u>3,023,293</u>	<u>3,353,142</u>	<u>4,207,911</u>	<u>4,121,260</u>	23%	<u>4,121,260</u>
Intra Fund Credits	<u>(749,489)</u>	<u>(726,573)</u>	<u>(953,717)</u>	<u>(893,717)</u>	23%	<u>(893,717)</u>
<b>Net Budget:</b>	<u>\$ 2,273,804</u>	<u>\$ 2,626,569</u>	<u>\$ 3,254,194</u>	<u>\$ 3,227,543</u>	23%	<u>\$ 3,227,543</u>
<b>Revenue</b>						
Charges for Services	\$ 633,830	\$ 669,284	\$ 814,446	\$ 750,000	12%	\$ 750,000
Miscellaneous Revenue	32,130	28,718	-	-	-100%	-
<b>Total Revenue:</b>	<u>665,960</u>	<u>698,002</u>	<u>814,446</u>	<u>750,000</u>	7%	<u>750,000</u>
<b>Net County Cost:</b>	<u>\$ 1,607,844</u>	<u>\$ 1,928,567</u>	<u>\$ 2,439,748</u>	<u>\$ 2,477,543</u>	28%	<u>\$ 2,477,543</u>
Allocated Positions	24	24	27	26	8%	26

## CORE FUNCTIONS

### County Counsel

Provides legal advice to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts by attending and participating in meetings and hearings, by responding to questions with legal opinions both orally and in writing, by reviewing contracts, agenda items and other documents required for county business, and by assisting in the preparation of resolutions and ordinances.

The office provides effective legal counsel and advocacy in representing the County in litigation including tort, contract and writ actions, as well as child and adult protective services, mental health, public guardian and public administrator matters.

### FY 2005-06 Major Accomplishments

- Assisted in the planning and implementation of major transitions in the structure of county management and the processing of development in the County, including the creation of the Community Development Resource Agency, to meet the County's changing needs.
- Continuing defense of land use decisions of the Board of Supervisors challenged in court, involving the Martis Valley Community Plan, Tahoe Transit Center, and various land development approvals including Bickford, Siller Ranch, Hopkins Ranch, and Anthem Telecommunications.
- Assist in the processing and financial planning for major projects in Western Placer County including Regional University, Placer Ranch, Placer Vineyards, and the Curry Creek Community Plan, as well as providing counsel and advice to the Placer County Planning Commission and the Community Development Resource Agency.

### Administration & Financial Services

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- Assisted the County Executive Office, Facility Services Department and the Auditor-Controller's Office in addressing the issues related to the anticipated transfer of county court facilities pursuant to the Trial Court Facilities Act, including development of agreements to accomplish the purpose of this legislation.
- Assisted the County Executive Office and the finance departments in development and formation of the Middle Fork Project Financing Authority and in addressing issues involved in the reporting requirements of Government Accounting Standards Board (GASB) 45, including the implications of Other Post Employment Benefits (OPEB).
- Assisted the County Executive Office, the Personnel Department and involved county departments in employment and workplace issues, including representation of departments before the Civil Service Commission, the State Public Employees Relations Board, the Fair Employment and Housing Commission, and participation in the County Employee Relations Committee.
- Represented the County and county employees in tort litigation, as well as assisting Risk Management with review and administration of claims against the County or against county employees.
- Represented the Department of Health and Human Services in 403 new Child Protective Services actions, as well as continued handling of 590 on-going dependency cases, and in restructuring the process for the Public Administrator within the department.
- Assisted the Department of Facility Services on a wide variety of legal issues involved in the planning, development and construction of the Community Development Resource Center, the Auburn Justice Center, the South Placer Justice Center, and the Roseville Courthouse.
- Assist in the preparation and development of the proposed Placer County Conservation Plan to consolidate federal, state and local permitting and to integrate resource permitting into the local environmental process.
- Assisted the County Executive Office in development of improvements in development processes, and participation in the Affordable Housing Stakeholders effort to address affordable housing issues in the County with affected stakeholders.

## FY 2006-07 Planned Accomplishments

- Maintain the highest quality of services while providing timely responses to requests for legal services and effective representation to meet the County's changing needs.
- Begin implementation of a case management system to improve the effectiveness, efficiency and accountability of legal services provided by this department.
- Continue to vigorously defend and prosecute actions on behalf of the County, its departments, officers and employees in tort, non-tort and social services litigation, and to increase training on legal issues.
- Expand training on the structure of county government, the Brown Act and the Public Records Act to Placer County staff, special districts and The Grand Jury.
- Increase the frequency of ongoing training for social workers and have attorneys meet with social-worker teams on a quarterly basis to resolve issues before court intervention.
- Assist in further refining Placer County policies and procedures in dealing with employee and workplace issues, and in training Placer County staff on these policies.
- Assist in the processing and financial planning for major projects in western Placer County including Regional University, Placer Ranch, Placer Vineyards, Placer Parkway, and the Curry Creek Community Plan.
- Assist in the preparation and implementation of the Placer County Conservation Plan to consolidate federal, state and local permitting and to integrate resource permitting into the local environmental process.

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## Department Comments

The legal environment in which we practice has become more complex with the passing of each fiscal year. The mandates of statutory law and the interpretation of those laws by the Courts have dramatically increased over the past 10 years. We expect this trend to continue into the future. The greatest challenge that we face is in continuing to improve the efficiency of our services so that we can meet our responsibilities within the constraints of the budget, particularly in difficult budget years. The implementation of a case management system is an important step in that direction. In the meantime, we continue to provide legal services that are of the highest quality and delivered on a much more cost-effective basis than legal services available through outside providers.

## County Executive Comments and Recommendations

Three new positions were requested for FY 2006-07, a senior deputy county counsel, a deputy county counsel, and a staff services analyst. The deputy county counsel addition adds hours to two existing attorneys who share an allocation and will bring both to full time status. The County Executive Office (CEO) recommends the addition of the attorney classifications to assist with increasing litigation, especially related to land use issues.

The department requested a staff services analyst position to perform financial and administrative functions associated with the new case management software system is not recommended at this time.

## Final Budget Changes from the Proposed Budget

None.

## CORE FUNCTION: COUNTY COUNSEL

Advisory Legal Services Program
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**Program Purpose:** To provide timely and accurate legal advice to the Board of Supervisors, the County Executive Office, county boards and commissions, county officers and departments and special districts in response to oral and written requests in order to assist those making decisions for the public good.

**Total Expenditures:** \$2,524,747

**Total Staffing:** 13.0

- **Key Intended Outcome:** County departments, officer and employees are provided timely and effective legal advice to support the County's decision-making.

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Advisory Legal Services Indicators:	Actual 2003-04	Actual 2004-05	Actual 2005-06	Projected 2006-07
# of hours of legal services for the Land Use Services System	3,789	3,894	4,900	5,316
# of hours of legal services for the Health and Human Support Services System	3,311	3,412	3,000	3,377
# of hours of legal services for the Public Protection Services System	931	982	1,308	1,572
# of hours of legal services for the Administration and Financial Services System	3,035	3,073	3,459	3,724
# of hours of legal services for the Community and Cultural Services System	937	872	705	935
% of clients who rate quality and timeliness of services provided as excellent	95%	95%	95%	95%

**Program Comments:** The County continues to experience growing demand for legal services in area of land use and development. This increasing demand is expected for the foreseeable future, particularly in light of the development activities in Western Placer County. It will be a challenge to meet these needs as a number of large projects are processed through the land development system.

## Litigation Program

**Program Purpose:** To provide effective legal counsel to county agencies and employees, in tort, contract and writ actions and in child and adult protective services, mental health, public guardian and public administrator matters, in order to provide successful defense of actions that minimize settlements amounts and judgments, successful prosecution of actions to recover county funds or enforce county ordinances and effective advocacy to protect children and vulnerable adults.

**Total Expenditures:** \$1,683,164

**Total Staffing:** 14.0

- **Key Intended Outcome:** Successful defense of actions that minimize settlement amounts and judgments, and successful prosecution of actions to recover county funds or enforce county ordinances and the protection of children and vulnerable adults.

# County Counsel

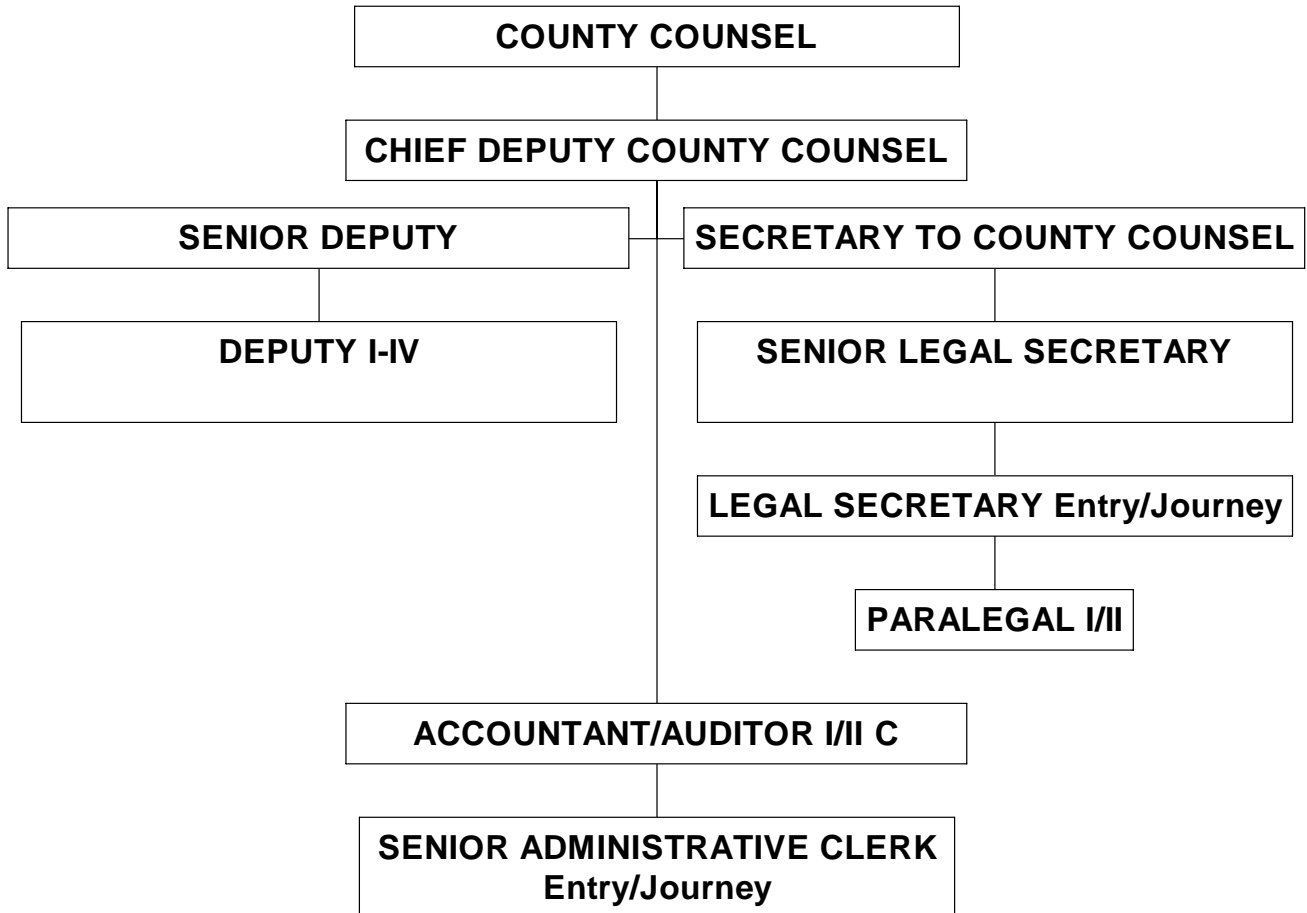
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Litigation Indicators:	Actual 2003-04	Actual 2004-05	Actual 2005-06	Projected 2006-07
# of tort cases	58	35	31	42
# of non-tort cases	47	44	40	51
# of bail bond cases	N/A	75	29	70
# of new child-protection services court cases	446	425	402	412
# of ongoing child-protection services court cases	567	536	503	590
# of conservatorship/public guardian cases	169	171	181	181
# of public-administrator cases	47	26	26	21
% of client who rate quality and effectiveness of services provided as excellent	95%	95%	95%	95%

**Program Comments:** The number of non-tort cases continues to increase, particularly land use writ actions. While many of these cases are primarily handled by developers' counsel pursuant to indemnity agreements, county projects are increasingly the subject of litigation. The County also continues to experience increasing caseloads in child protection services cases. County Counsel has worked over this last fiscal year to assure the successful restructuring of public administrator matters within the Department of Health and Human Services.

# COUNTY COUNSEL



POSITIONS: 26

**COUNTY COUNSEL  
APPROPRIATION SUMMARY  
Fiscal Year 2006-07**

**ADMINISTERED BY: COUNTY COUNSEL**

Appropriation	FY 2005-06		FY 2006-07	
	Actual	Position Allocations	BOS Adopted Budget	Position Allocations
<b>GENERAL FUND</b> County Counsel	\$ 2,626,569	24	\$ 3,227,543	26
<b>TOTAL ALL FUNDS</b>	\$ 2,626,569	24	\$ 3,227,543	26

# County Counsel

## General Fund

Fund: 100

Subfund: 0

Appropriation: 10450

Budget Category (1)	Actual 2004-05 (2)	Actual 2005-06 (3)	Dept Req 2006-07 (4)	CEO Rec 2006-07 (5)	BOS Adopted 2006-07 (6)
<b>Salaries &amp; Benefits</b>					
1002 Salaries and Wages	1,880,566	2,093,195	2,338,314	2,319,545	2,319,545
1003 Extra Help	5,758	1,301	1,800	1,800	1,800
1005 Overtime & Call Back		296	2,900	2,900	2,900
1099 Salaries & Wages Undistributed	260				
1300 P.E.R.S.	352,900	440,879	467,657	462,791	462,791
1301 F.I.C.A.	131,753	140,754	178,881	177,087	177,087
1303 Other - Post Employment Benefits			75,995	75,233	75,233
1310 Employee Group Ins	247,707	289,804	355,148	355,148	355,148
1315 Workers Comp Insurance	25,184	28,776	19,862	19,666	19,666
Total Salaries & Benefits	2,644,128	2,995,005	3,440,557	3,414,170	3,414,170
<b>Services &amp; Supplies</b>					
2051 Communications - Telephone	24,558	24,643	29,278	27,939	27,939
2290 Maintenance - Equipment	117	156	500	500	500
2291 Maintenance - Computer Equip		4,612	1,500	1,500	1,500
2431 Professional Dues			12,650	12,000	12,000
2439 Membership/Dues	7,151	7,292			
2481 PC Acquisition	8,235	11,658	14,650	14,650	14,650
2511 Printing	6,323	9,969	20,000	20,000	20,000
2522 Other Supplies	407	1,931	6,325	3,050	3,050
2523 Office Supplies & Exp	9,211	9,106	12,000	12,000	12,000
2524 Postage	2,936	3,040	6,000	6,000	6,000
2555 Prof/Spec Svcs - Purchased	253,771	182,316	494,500	494,500	494,500
2709 Rents & Leases - Computer SW	7,111	10,130	9,466	9,466	9,466
2710 Rents & Leases - Equipment	870	870			
2809 Rents and Leases-PC	334				
2838 Special Dept Expense-1099 Repor	49				
2840 Special Dept Expense	11,420	43,198	88,600	35,600	35,600
2844 Training	7,635	5,389	8,500	7,000	7,000
2860 Library Materials	20,889	26,966	28,785	28,785	28,785
2931 Travel & Transportation	10,081	6,639	18,500	18,000	18,000
2932 Mileage	7,069	9,613	9,000	9,000	9,000
2941 County Vehicle Mileage	45	168	1,100	1,100	1,100
Total Services & Supplies	378,212	357,696	761,354	701,090	701,090
<b>Charges From Departments</b>					
5405 I/T Maintenance - Bldgs & Improvem	150	391	6,000	6,000	6,000
5456 I/T Miscellaneous Expense	768	50			
5844 I/T Training	35				
Total Charges From Departments	953	441	6,000	6,000	6,000
Gross Budget	3,023,293	3,353,142	4,207,911	4,121,260	4,121,260
<b>Less: Charges to Departments</b>					
5002 I/T - County General Fund	(722,311)	(711,637)	(953,717)	(893,717)	(893,717)
5008 I/T - County Office Bldg Fund	(17,115)	(14,418)			
5014 I/T - Comm Revitalization Fund	(10,063)	(518)			
Total Charges to Departments	(749,489)	(726,573)	(953,717)	(893,717)	(893,717)
Net Budget	2,273,804	2,626,569	3,254,194	3,227,543	3,227,543



# County Counsel

## General Fund

Fund: 100

Subfund: 0

Appropriation: 10450

Budget Category (1)	Actual 2004-05 (2)	Actual 2005-06 (3)	Dept Req 2006-07 (4)	CEO Rec 2006-07 (5)	BOS Adopted 2006-07 (6)
Less: Revenues					
8120 Legal Services - Insurance	(531,653)	(505,654)	(814,446)	(750,000)	(750,000)
8122 Legal Services	(81,805)	(160,130)			
8212 Other General Reimbursement	(18,934)	(3,500)			
8261 Other Multi Dept Applications	(1,063)				
8269 Planning - At Cost Projects Fees	(375)				
8753 Other Sales	(4,005)	(24,144)			
8764 Miscellaneous Revenues	(28,125)	(4,574)			
Total Revenues	(665,960)	(698,002)	(814,446)	(750,000)	(750,000)
Net County Cost	1,607,844	1,928,567	2,439,748	2,477,543	2,477,543